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December 20, 2019

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: *Leibowitz et al. v. iFinex Inc. et al.*, Case No. 1:19-cv-09236-KPF

Dear Judge Failla:

We are counsel to Defendant Reginald Fowler and write to inform the Court of our intent to file a motion to dismiss Plaintiffs' Complaint (ECF 1), pursuant to the Court's Memo Endorsement (ECF 47) of Mr. Fowler's Letter dated December 6, 2019 (ECF 46). The Complaint contains two causes of action against Mr. Fowler — the third claim for aiding and abetting violations of the Commodities Exchange Act and the fifth claim for a violation of the RICO statute. Both causes of action, as they pertain to Mr. Fowler, fail to allege facts sufficient to state a claim. Accordingly, we intend to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and potentially other grounds, on Mr. Fowler's behalf. Pursuant to the Court's instructions, we will submit the motion in accordance with the briefing schedule established in the Court's Order of December 3, 2019 (ECF 43).

Respectfully submitted,

/s/ Michael C. Hefter

Michael C. Hefter

cc: James G. McGovern
All counsel of record (via ECF)

Application GRANTED.

Dated: December 20, 2019
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE